

LOCATION: 130 Hendon Lane, London, N3 3SJ
REFERENCE: F/01583/13 **Received:** 24 April 2013
Accepted: 13 June 2013
WARD(S): Finchley Church End **Expiry:** 08 August 2013

Final Revisions:

APPLICANT: AJC Magen Avrahm Syn.
PROPOSAL: Retention of change of use of two rooms on the first floor as a pre-school nursery from 8.30am - 2.00pm, Monday-Friday during term time for a maximum of 14 children.

RECOMMENDATION: Approve Subject to Conditions

1 The development hereby permitted shall be carried out in accordance with the following approved plans: Site plan and existing plans and elevations.

Reason:

For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012).

2 This permission shall be for a temporary period only, expiring on 31st July 2014 when the use shall be discontinued and the works carried out under this permission shall be removed and the premises reinstated in accordance with details approved by the Local Planning Authority in writing before 1st September 2014.

Reason:

To protect the amenities of the area.

3 The premises shall be used for a nursery school and meeting rooms in relation to the synagogue and no other purpose (including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order, 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, with or without modification).

Reason:

To enable the Local Planning Authority to exercise control of the type of use within the category in order to safeguard the amenities of the area.

4 The use hereby permitted shall operate between 8.30am to 2.00pm term times only.

Reason:

To safeguard the amenities of occupiers of adjoining residential properties.

5 The rear garden area shall only be used for 1 hour a day by pupils of the nursery school.

Reason:

To safeguard the amenities of occupiers of adjoining residential properties.

INFORMATIVE(S):

1 i) In accordance with paragraphs 186 and 187 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. The Local Planning Authority has produced planning policies and written guidance to guide applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The Local Planning Authority has negotiated with the applicant / agent where necessary

during the application process to ensure that the proposed development is in accordance with the Council's relevant policies and guidance.

1. MATERIAL CONSIDERATIONS

National Planning Policy Framework

The Mayor's London Plan (July 2011)

Relevant Local Plan Core Strategy DPD (Adopted 2012) Policies:

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). The Core Strategy was adopted by the Council on September 11 2012.

CS1, CS3, CS5, CS7, CS8, CS10, CS13.

Relevant Local Plan Development Management DPD (Adopted 2012) Policies:

The Development Management Policies document provides the borough wide planning policies that implement the Core Strategy. These policies will be used for day-to-day decision making.

DM01, DM02, DM04, DM14

Relevant Planning History:

Application:	Planning	Number:	C/15691/A/07
Validated:	21/08/2007	Type:	APF
Status:	WDN	Date:	09/01/2008
Summary:	WIT	Case Officer:	Fabien Gaudin
Description:	Two storey rear extension. Part ground floor side extension.		

Application:	Planning	Number:	C/15691/04
Validated:	11/02/2004	Type:	S63
Status:	DEC	Date:	16/07/2004
Summary:	APC	Case Officer:	
Description:	Continued use of ground floor as a specialised religious meeting room with associated library and cloakroom. Two bedroom flat at first floor level.		

Application:	Planning	Number:	F/00279/08
Validated:	17/03/2008	Type:	APF
Status:	DEC	Date:	30/07/2008
Summary:	APC	Case Officer:	Fabien Gaudin
Description:	Proposed ground and first floor rear extension with associated pitch roof above part ground floor extension. Side and rear dormers to facilitate a loft conversion. Conversion of existing religious meeting rooms with associated first floor to a synagogue and loft to be a one bedroom flat		

Application:	Planning	Number:	F/02996/12
Validated:	28/08/2012	Type:	APF
Status:	WDN	Date:	17/04/2013
Summary:	WIT	Case Officer:	David Campbell
Description:	Change of use of 2no. rooms at first floor level as a pre-school nursery for 25 children from 8.30am - 2.00pm Monday to Friday Term Times.		

In addition an application has recently been registered (12th July 2013) for the continued use of the premises as a synagogue and nursery; part single, part two storey side extensions; single storey rear extension and a new external staircase to the rear elevation. The application is currently out to consultation and under consideration. As a result it does not form a material consideration when determining this application.

Consultations and Views Expressed:

Neighbours Consulted: 68 Replies: 7
Neighbours Wishing To Speak 1

The objections raised may be summarised as follows:

- Traffic and parking during drop off and collection times.
- Noise and disturbance in an area that is predominantly residential.
- Building is not suitable for proposed use.
- Concern that eventually the building will be converted to a school.

Internal /Other Consultations:

- Traffic and Transport - No objection

Date of Site Notice: 20 June 2013

2. PLANNING APPRAISAL

Site Description and Surroundings:

130 Hendon Lane is a large detached building located on the west side of Hendon Lane on the junction with Waverley Grove. The property was originally a house but has been converted to a synagogue (F/00279/08) and 1 bed flat.

The site has a circular drive and can be accessed from both Hendon Lane and Waverley Grove. The area to the front of the property is hardsurfaced with an area of soft landscaping, to the rear is a large garden. To the side of the property is a single storey detached garage that is used for storage.

Levels drop from front to rear of the site by approx 1.5m so that the property is below street level.

The site is located within an established residential area in a tight knit suburban area. The properties on Hendon Lane are predominantly purpose built blocks of flats. The properties on Waverley Grove are large detached houses.

The accessibility of the site is indicated with the Public Transport Accessibility Level (PTAL). This rating measures the amount of public transport service available. The site has been assessed to have a PTAL of 2, 6 being the highest level of accessibility.

Proposal:

The application is for the change of use of two rooms at first floor level for use as a pre-school nursery from 8.30am to 2.00pm Monday to Friday during term time only for a maximum of 14 children. As the use has commenced the application is for its retention.

Planning permission is required for the change of use as condition 7 of the original planning consent (F/00279/08) restricted the use to a synagogue and to no other purpose within Use Class D1 of the Town and Country Planning (Use Classes) Order 1987 (as amended). The reason for the imposition of this condition was to enable the Local Planning Authority to exercise control of the type of use within the category in order to safeguard the amenities of the area.

The first floor rooms where the use occurs are used by the synagogue for meetings and study

Planning Considerations:

The main issues for consideration are:

- Impact on amenity of adjoining residents;
- Traffic and highways

Impact on amenity of adjoining residents

The only restrictions on the current consent restrict the use of the premises between 11pm-7am on any day (condition 5); limit the number of people to a maximum of 45 (condition 13) and prohibit weddings, parties and social gatherings (condition 6). There are no restrictions on the use of the garden.

The proposal is to use the premises between 8.30am and 2pm for up to 14 children and 3 part time staff. Given the existing use of the premises it is not considered that the use as a nursery would adversely impact on the amenity of residents of adjoining premises.

The property is a large detached house which is set off from the boundary with both of the adjoining properties, as a result it is not considered that noise from the use of the first floor rooms as a nursery use will adversely impact on either of the adjoining properties.

Unlike the synagogue use the applicant does use the rear garden area for the children to play in. Although Hendon Lane is a busy road and as a result has higher than usual ambient noise levels, the rear garden areas of the properties are screened from the road by the buildings and therefore enjoy quieter noise levels. In order to minimise the impact of noise from children playing in the rear garden a condition is recommended restricting the time spent within the garden to one hour per session. On this basis it is considered that the proposal would not result in noise and disturbance to the adjoining residential properties to such a level as to warrant a refusal.

The proposal is therefore not considered to adversely impact upon the amenity of adjoining residents and to be in accordance with policy DM01 and DM04 of the adopted Local Plan.

Traffic and Highways

The Council Traffic and Development section have no objection to the proposal however given the level of local concern regarding drop off and pick up a condition is recommended to grant consent for the change of use for 1 year to enable the Local Authority to monitor the situation.

3. COMMENTS ON GROUNDS OF OBJECTIONS

These have been considered in the main report however the following additional responses can be made:

- A planning application would be required to change the use of the premises to a school and the impact of a school would be considered as part of that application.

4. EQUALITIES AND DIVERSITY ISSUES

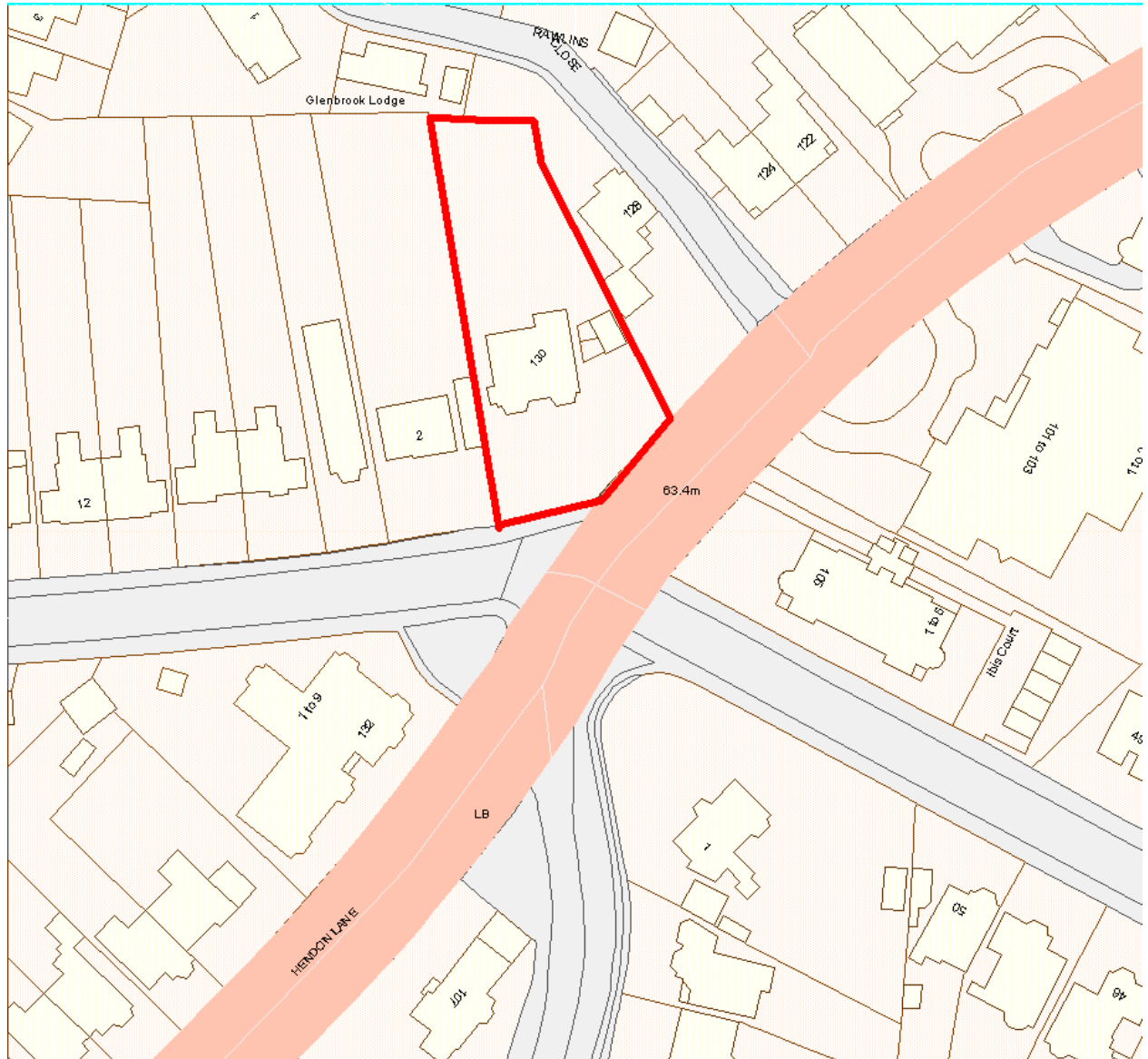
The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

5. CONCLUSION

Having taken all material planning considerations into account, it is considered that subject to compliance with the attached conditions, this proposal complies with the Adopted Barnet Local Plan policies and guidance and would be in keeping with the character and appearance of the surrounding area. It is not considered to have a detrimental impact on the residential amenities of neighbouring occupiers or on highway safety. This application is therefore recommended for **approval**.

SITE LOCATION PLAN: 130 Hendon Lane, London, N3 3SJ

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